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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,997	02/08/2002	Toshiaki Ishimaru	OOCL-82 (6YS-01S1585)	4626
26479	7590	04/07/2005	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,997

Applicant(s)

ISHIMARU ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,9 and 10 is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in figs. 1 and 2, the label for block 15 "Rang finder section" should be written as "Range finder section". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 2 is objected to because of the following informalities: the word "king" needs to be written as "kind". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, US Patent 5,691,772 in view of Nonaka, US Patent 5,732,293.

Regarding **claim 6**, Suzuki discloses a camera (Fig. 1) capable of white balance correction which is a digital camera or video camera comprising: an RGB detection section (Fig. 1: 103) of primary colors R, G, and B; a visible light detection section by a photometric section (Fig. 1: 130) of separate element; and an infrared light detection section, wherein the degree of light of a fluorescent lamp is determined from visible and infrared light, and the white balance correction of R, G, and B is performed, according to this degree of light of the fluorescent lamp (Col. 4, line 54 – col. 5, line 44; col. 6, line 20 – col. 7, line 3). Suzuki does not explicitly disclose an infrared light detection section and that the degree of light of a fluorescent lamp is determined from infrared light.

However, Nonaka discloses an electronic controlled camera (See figs. 1 and 8) comprising an infrared light photometric unit (Fig. 1: 12) and a visible light photometric unit (Fig. 1: 14), wherein the signals from said infrared photometric unit and visible light photometric unit are used to perform color correction based on different types of illumination (i.e. fluorescent light) (Col. 3, line 34 – col. 4, line 41; col. 8, lines 19-27; col. 9, line 14-17; col. 10, lines 49-53).

Therefore, taking the combined teaching of Suzuki in view of Nonaka as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki by having an infrared light photometric unit to be used to determine the degree of light of a fluorescent lamp. The motivation to do so would help the camera to perform color correction for fluorescent light as suggested by Nonaka (Col. 8, lines 18-27).

Regarding **claim 7**, the combined teaching of Suzuki in view of Nonaka as applied in claim 6 teaches that the correction quantity is replaced according to degree of fluorescence obtained from a membership function corresponding to the kind of the fluorescent lamp. Therefore, grounds for rejecting claim 6 apply here.

Regarding **claim 8**, the combined teaching of Suzuki in view of Nonaka as applied in claim 6 teaches that the infrared light, is detected by an infrared detection section for remote controller detection (See Nonaka, col. 7, lines 51-62).

Allowable Subject Matter

5. Claims **1-5, 9 and 10** allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims **1, 4 and 10**, the main reason for indicating allowable subject matter is because the prior art fails to teach or reasonably suggest that the artificial light detection section for calculating the ratio of artificial light and natural light from the output of said visible light brightness detection section and the output of said infrared light detection section, wherein a correction range for performing the white balance

correction is obtained based on the ratio natural artificial light and natural light calculated by said artificial light detection section, and the white balance correction is performed when the two color difference signals are within said correction range.

Saito discloses a camera (Fig. 1) capable of white balance correction comprising: an image pickup optical system (Fig. 1: 1); an image sensor (Fig. 1: 3) for receiving light from an object through this image pickup optical system; a three-primary-color detection section (The sensor captures the image using a complementary color filter but transfer the signals to primary color signals using matrix circuit in fig. 1: 7) for detecting three-primary-color signals based on the output of the image sensor; a matrix processing section (Fig. 1: 10) for calculating two difference signals from the three-primary-color signals; visible light brightness detection section (Fig. 1: 12, the microcomputer calculates the brightness of the object) for detecting visible light brightness by the output from said three-primary-color detection section; an artificial light detection section (Fig. 1: 20) for identifying the type of light being used for illuminating the object to be photographed; wherein a correction range for performing the white balance correction is obtained based on the type of illumination detected by the microcomputer 20 by comparing the luminance with different ranges representing different types of illumination (See figs. 8 and 10) (Col. 6, line 29 – col. 8, line 9; col. 9, lines 13-53; col. 10, lines 6-44; col. 13, line 31 – col. 14, line 9; col. 14, line 37 – col. 15, line 3; col. 16, lines 25-57). However, Saito fails to teach or reasonably suggest that the artificial light detection section for calculating the ratio of artificial light and natural light from the output of said visible light brightness detection section and the output of said infrared

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light detection section, wherein a correction range for performing the white balance correction is obtained based on the ratio natural artificial light and natural light calculated by said artificial light detection section, and the white balance correction is performed when the two color difference signals are within said correction range.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyano, US Patent 5,659,357 teaches an auto white adjusting device (Fig. 1) wherein a fluorescent block weighting circuit (Fig. 1: 4) receives a luminance input and a block value circuit (Fig. 1: 1) receives the video input, wherein the device uses said video signal and luminance input to determine the amount of fluorescent, tungsten and solar light illuminating the object, then based on the different illumination detected and the overall illumination the device calculates the ratio of each one of the types of illumination to create a coefficient to adjust the Red, Green and Blue color signals (See col. 6, line 66 – col. 7, line 51; col. 8, lines 18-23 and line 57 – col. 9, line 37; col. 11, line 14 – col. 13, line 12).

Suzuki, US Patent 5,691,772 teaches a method for performing white balance adjustment based on the kind of light source used to illuminate a subject, wherein said method includes the steps of imaging a subject to produce a video signal representing an image of the subject, color separating the video signal into its primary light color components, measuring the color attributes of light used to illuminate the subject to produce a color measurement value, matching the color measurement value with a

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predetermined parameter to produce a processing parameter which corresponds to the type of light used to illuminate the subject, and performing white balance adjustment of the video signal using the processing parameter (Col. 4, line 54 – col. 5, line 44; col. 5, line 58 – col. 6, line 40; col. 7, lines 9-31).

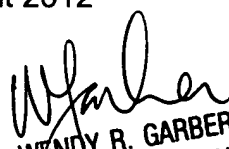
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
April 1, 2005


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SUPERVISORY PATENT EXAMINER
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